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OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

FEB 27 2003

In re Application of :
Komatsuda, et al. :
Application No. 09/396,582 :
Filed: September 15, 1999 :
Atty. Dkt. No. 105203 :
:

OFFICE OF PETITIONS
ON PETITION

This is a decision on the renewed petition filed July 16, 2002 under 37 CFR 1.181.

The petition is **GRANTED**.

The application was held abandoned December 26, 2001 for failure to timely submit the issue fee as required by the Notice of Allowance and Issue Fee Due ("Notice") mailed September 25, 2001. The Notice set a three (3) month statutory period of time for reply. Notice of Abandonment was mailed April 11, 2002.

Petitioner argues that in response to the Notice, a Request for Continued Examination ("RCE") along with submission and required fee were filed December 17, 2001.

A review of the official application file indicates that the requirements of 37 CFR 1.114 were timely met on December 14, 2001.

In view of the above, the Notice of Abandonment is hereby VACATED and the Notice of Abandonment is WITHDRAWN.

The application file is being forwarded to Technology Center 2800 for consideration of the submission under 37 CFR 1.114 filed December 17, 2001.

No fee is due in connection with this matter.

Telephone inquiries regarding the status of this application should be directed to Technology Center at (703) 308-0956.

Telephone inquiries concerning the content of this decision on petition may be directed to the undersigned at (703) 305-0310.

Alesia M. Brown
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy